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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/531,950	04/19/2005	Kenichiro Aridome	SON-3123	8804
23353 7590 04/13/2009 RADER FISHMAN & GRAUER PLLC LION BUILDING 1233 20TH STREET N.W., SUITE 501 WASHINGTON, DC 20036				
EXAMINER				
ATALA, JAMIE JO				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/531,950

Applicant(s)

ARIDOME ET AL.

Examiner

JAMIE JO VENT ATALA

Art Unit

2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 April 2005.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-10 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 19 April 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/CS-100)
4) ☐ Interview Summary (PTO-413)
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____
Paper No(s)/Mail Date _____

DETAILED ACTION

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim(s) 9 and 10 are rejected under 35 U.S.C. 101 because the claimed defines a program embodying functional descriptive material. However, the claim does not define a computer-readable medium or memory and is thus non-statutory for that reason (i.e., "When functional descriptive material is recorded on some computer-readable medium it becomes structurally and functionally interrelated to the medium and will be statutory in most cases since use of technology permits the function of the descriptive material to be realized" – Guidelines Annex IV). That is, the scope of the presently claimed is not embodied on a computer readable medium and therefore the computer can range from paper on which the program is written, to a program simply contemplated and memorized by a person.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-10 rejected under 35 U.S.C. 103(a) as being unpatentable over Kelly et al (US 6,952,521) in view Brodersen et al (US 7,200,836).

[claim 1]

In regard to Claim 1, Kelly et al discloses an encoding controlling apparatus comprising:

- offset holding means for holding an offset equivalent to a time period by which to start encoding an audio signal earlier than a video signal (Column 14 Lines 3-67 describes the offset between audio and video components)
 - offset updating means for updating said offset in keeping with progress in encoding said video signal and said audio signal (Column 14 Lines 22+ describes the offset in resulting the encoding for the audio signal); and
 - recording controlling means for giving an instruction either to start or to stop the encoding of said video signal and said audio signal in accordance with said offset (Column 15 Lines 52+ through Column 16 Lines 1-67)
- ;however, fails to disclose
- recording mode determining means for determining whether a seamless connection is possible between the preceding chapter and the following chapter in order to set an initial value of said offset depending on an outcome of the determination.

Brodersen et al discloses a means for authoring DVD further comprising:

- recording mode determining means for determining whether a seamless connection is possible between the preceding chapter and the following chapter in order to set an initial value of said

offset depending on an outcome of the determination (Figures 3 and 5 shows the system editing and determining the chapter marks between the A/V data wherein the data is determined if the transition between the files will provide seamless transition).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use the encoding methods for encoding based on offset information, as disclosed by Kelly et al, and further incorporate a system that uses the offset information in providing effective chapters for the data, as taught by Brodersen et al, in order to allow for effective recording of data.

[claim 2]

In regard to Claim 2, Kelly et al discloses an encoding controlling apparatus upon start of the recording, said recording controlling means starts encoding said audio signal earlier than said video signal by said time period equivalent to said offset; and upon end of the recording, said recording controlling means stops the encoding after ending the encoding of each of record units constituting said video signal and said audio signal (Column 14 Lines 35+ describes the start and ending of recording based on offset information).

[claim 3]

In regard to Claim 3, Brodersen et al discloses an encoding controlling, wherein, if said seamless connection is found possible, then said recording mode determining means regards as the initial value of said offset the value of said offset updated in said preceding chapter; and if said seamless connection is found impossible, then said

recording mode determining means regards zero as the initial value of said offset (Figure 12b shows the system determines the chapter is able to be made proper by editing means).

[claim 4]

In regard to Claim 4, Kelly et al discloses an encoding controlling apparatus further comprising fading controlling means for controlling a volume of said audio signal in accordance with an instruction either to start or to stop said audio signal (Column 13 Lines 63+ describes the partial audio signal).

[claim 5]

In regard to Claim 5, Brodersen et al discloses an encoding controlling apparatus according to claim 4, wherein said fading controlling means controls the volume of said audio signal so as to fade in said audio signal starting from a mute state upon start of the recording, and to fade out said audio signal upon end of the recording (Column 7 Lines 23+ describes the audio data being faded and changed to mark the changing of editing points and chapter information).

[claim 6]

In regard to Claim 6, Kelly et al discloses an encoding controlling apparatus comprising:

- offset holding means for holding an offset equivalent to a time period by which to start encoding an audio signal earlier than a video signal (Column 14 Lines 3-67 describes the offset between audio and video components)

- offset updating means for updating said offset in keeping with progress in encoding said video signal and said audio signal (Column 14 Lines 22+ describes the offset in resulting the encoding for the audio signal); and
- recording controlling means for giving an instruction either to start or to stop the encoding of said video signal and said audio signal in accordance with said offset (Column 15 Lines 52+ through Column 16 Lines 1-67)
- multiplexing means for multiplexing the encoded video signal and the encoded audio signal output by said video encoding means and said audio encoding means respectively.(Column 15 Lines 13+ describes the multiplexing of data by the encoding means);however, fails to disclose
 - recording mode determining means for determining whether a seamless connection is possible between the preceding chapter and the following chapter in order to set an initial value of said offset depending on an outcome of the determination.

Brodersen et al discloses a means for authoring DVD further comprising:

- recording mode determining means for determining whether a seamless connection is possible between the preceding chapter and the following chapter in order to set an initial value of said offset depending on an outcome of the determination (Figures 3 and 5 shows the system editing and determining the chapter marks between the A/V data wherein the data is determined if the transition between the files will provide seamless transition).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use the encoding methods for encoding based on offset information, as disclosed by Kelly et al, and further incorporate a system that uses the offset information in providing effective chapters for the data, as taught by Brodersen et al, in order to allow for effective recording of data.

[claim 7]

In regard to Claim 7, Kelly et al discloses an encoding controlling apparatus comprising:

- offset holding means for holding an offset equivalent to a time period by which to start encoding an audio signal earlier than a video signal (Column 14 Lines 3-67 describes the offset between audio and video components);however, fails to disclose
 - recording mode determining means for determining whether a seamless connection is possible between the preceding chapter and the following chapter in order to set an initial value of said offset depending on an outcome of the determination.
 - If seamless connection is possible then regarding as an initial value of said offset the value of said offset updated in said preceding chapter
 - If seamless connection is found impossible then regarding zero as the initial value of offset
 - Starting to encode said video signal upon elapse of said time period equivalent to offset after encoding of audio starts

- o Given an instruction to stop the recording, stopping the encoding after ending the encoding of record units constituting said video and audio signal

Brodersen et al discloses a means for authoring DVD further comprising wherein the system determines if a proper seamless chapter can be made based on audio and data being processed Figure 12b.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use the encoding methods for encoding based on offset information, as disclosed by Kelly et al, and further incorporate a system that uses the offset information in providing effective chapters for the data, as taught by Brodersen et al, in order to allow for effective recording of data.

[claim 8]

In regard to Claim 8, Kelly et al discloses an encoding controlling method for use with an encoding controlling apparatus having offset holding means for holding an offset equivalent to a time period by which to start encoding an audio signal earlier than a video signal (Column 14 Lines 3-67 describes the offset between audio and video components);however, fails to disclose

- o recording mode determining means for determining whether a seamless connection is possible between the preceding chapter and the following chapter in order to set an initial value of said offset depending on an outcome of the determination.

- If seamless connection is possible then regarding as an initial value of said offset the value of said offset updated in said preceding chapter
- If seamless connection is found impossible then regarding zero as the initial value of offset
- Starting to encode said video signal upon elapse of said time period equivalent to offset after encoding of audio starts
- Given an instruction to stop the recording, stopping the encoding after ending the encoding of record units constituting said video and audio signal

Brodersen et al discloses a means for authoring DVD further comprising wherein the system determines if a proper seamless chapter can be made based on audio and data being processed Figure 12b.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use the encoding methods for encoding based on offset information, as disclosed by Kelly et al, and further incorporate a system that uses the offset information in providing effective chapters for the data, as taught by Brodersen et al, in order to allow for effective recording of data.

[claim 8]

In regard to Claim 8, Kelly et al discloses an encoding controlling method for use with an encoding controlling apparatus having offset holding means for holding an offset equivalent to a time period by which to start encoding an audio signal earlier than a

video signal (Column 14 Lines 3-67 describes the offset between audio and video components);however, fails to disclose

- recording mode determining means for determining whether a seamless connection is possible between the preceding chapter and the following chapter in order to set an initial value of said offset depending on an outcome of the determination.
- If seamless connection is possible then regarding as an initial value of said offset the value of said offset updated in said preceding chapter
- If seamless connection is found impossible then regarding zero as the initial value of offset
- Starting to encode said video signal upon elapse of said time period equivalent to offset after encoding of audio starts
- Given an instruction to stop the recording, stopping the encoding after ending the encoding of record units constituting said video and audio signal

Brodersen et al discloses a means for authoring DVD further comprising wherein the system determines if a proper seamless chapter can be made based on audio and data being processed Figure 12b.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use the encoding methods for encoding based on offset information, as disclosed by Kelly et al, and further incorporate a system that uses the offset

information in providing effective chapters for the data, as taught by Brodersen et al, in order to allow for effective recording of data.

[claim 9]

In regard to Claim 9, Kelly et al discloses a program in an encoding controlling apparatus having offset holding means for holding an offset equivalent to a time period by which to start encoding an audio signal earlier than a video signal upon recording of a chapter (Column 14 Lines 3-67 describes the offset between audio and video components);however, fails to disclose

- recording mode determining means for determining whether a seamless connection is possible between the preceding chapter and the following chapter in order to set an initial value of said offset depending on an outcome of the determination.
- If seamless connection is possible then regarding as an initial value of said offset the value of said offset updated in said preceding chapter
- If seamless connection is found impossible then regarding zero as the initial value of offset
- Starting to encode said video signal upon elapse of said time period equivalent to offset after encoding of audio starts
- Given an instruction to stop the recording, stopping the encoding after ending the encoding of record units constituting said video and audio signal

Brodersen et al discloses a means for authoring DVD further comprising wherein the system determines if a proper seamless chapter can be made based on audio and data being processed Figure 12b.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use the encoding methods for encoding based on offset information, as disclosed by Kelly et al, and further incorporate a system that uses the offset information in providing effective chapters for the data, as taught by Brodersen et al, in order to allow for effective recording of data.

[claim 10]

In regard to Claim 10, Kelly et al discloses a program in an encoding controlling apparatus having offset holding means for holding an offset equivalent to a time period by which to start encoding an audio signal earlier than a video signal upon recording of a chapter (Column 14 Lines 3-67 describes the offset between audio and video components);however, fails to disclose

- recording mode determining means for determining whether a seamless connection is possible between the preceding chapter and the following chapter in order to set an initial value of said offset depending on an outcome of the determination.
- If seamless connection is possible then regarding as an initial value of said offset the value of said offset updated in said preceding chapter

- If seamless connection is found impossible then regarding zero as the initial value of offset
- Starting to encode said video signal upon elapse of said time period equivalent to offset after encoding of audio starts
- Given an instruction to stop the recording, stopping the encoding after ending the encoding of record units constituting said video and audio signal

Brodersen et al discloses a means for authoring DVD further comprising wherein the system determines if a proper seamless chapter can be made based on audio and data being processed Figure 12b.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use the encoding methods for encoding based on offset information, as disclosed by Kelly et al, and further incorporate a system that uses the offset information in providing effective chapters for the data, as taught by Brodersen et al, in order to allow for effective recording of data.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAMIE JO VENT ATALA whose telephone number is (571)272-7384. The examiner can normally be reached on 7:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Tran can be reached on 571-272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/JAMIE JO VENT ATALA/
Examiner, Art Unit 2621